

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Page 1 of 5

Incident Information

URN:	005-01047-5640-058	Date:	08/03/2005	Time:	0820
Location:	29340 THE OLD ROAD				
City or Station:	SAUGUS, CA 91350				
Bureau/Station/Facility:	CUSTODY DIVISION / NCCF		Admin. Investigation: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
	MALONEY	SEAN	P.
Emp. #	Last Name	First Name	Middle Name
Emp. #	Last Name	First Name	Middle Name

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
			41	
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
			52	
Street Address	City	Zip Code	Work Ph.	Home Ph.
Last Name	First Name	Middle Name	Age	D.O.B.
			45	
Street Address	City	Zip Code	Work Ph.	Home Ph.

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
	WESTFALL	MICHAEL	J.	SGT	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
					YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
	SCHAFER	RONALD	T.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
	LICHTEN	RICHARD	

Watch Commander's Signature: _____

LIEUTENANT, INTERNAL AFFAIRS BUREAU

Emp #: _____

Copy Provided to Employee by: _____

Emp #: _____

Supervisor Completing Form: _____

MARSHALL W. BAIRD, SERGEANT

(Print)

Emp #: _____

Emp #: _____

Date Signed: _____

Unit Commanders Signature: _____

PSTD Use Only

FO# _____

Original: Unit Commander
Copy: P.S.T.D. Headquarters, Employee

See Reverse

URN

005-01047-5640-058

Method

(AW) Arwen	(FH) Firearm (Handgun)	(PO) Personal Weapon (Other)
(BC) Baton: (Control)	(FR) Firearm (Rifle)	(RS) Resistance
(BI) Baton: (Impact)	(FS) Firearm (Shotgun)	(CN) Restraint Device (Capture Net)
(BF) Bodily Fluids	(FO) Firearm (Other)	(RH) Restraint Device (Handcuffs)
(CN) Canine	(FB) Flashbang	(HB) Restraint Device: Hobble (Legs Only)
(CR) Carotid Restraint	(FL) Flashlight	(TP) Restraint Device: Hobble (TARP)
(CH) Choke Hold	(OE) Other Weapon: Edged	(RE) Restraint Device: REACT Belt
(CT) Control Holds: (Control Techniques)	(OV) Other Weapon: Vehicle	(SP) Sap
(TT) Control Holds: (Team Takedown)	(OB) Other Weapon: Blunt Object	(SH) Shield
(TD) Control Holds: (Takedown)	(OO) Other Weapon: Other	(SG) 37mm Stinger
(CE) Chemical	(PK) Personal Weapon: Feet/Leg: (Kick)	(SB) Sting Ball
(OC) Chemical Agents (OC Spray)	(PS) Personal Weapon: Feet/Leg: (Sweep)	(ST) Stun Bag
(TG) Chemical Agents (Tear Gas)	(PH) Personal Weapon (Hand/Arm)	(TR) Taser
(EX) Explosives	(PP) Personal Weapon (Push)	(UC) Uncooperative

Type of Injury

(AB) Abrasion	(DB) Dog Bite	(PA) Paralysis
(BR) Bruise	(FR) Fractures	(PW) Puncture Wound
(BU) Burn	(GS) Gunshot	(SD) Soft Tissue Damage
(CP) Complaint of Pain	(HB) Human Bite	(ST) Sprain/Twists
(CO) Concussion	(LC) Lacerations	(UN) Unconscious
(DH) Death	(ND) Nerve Damage	(RM) Refused Med Treatment
(DI) Dislocation	(OD) Organ Damage	(NN) NONE

Body Part Injured

(AD) Abdomen	(FA) Face	(HI) Hip
(AK) Ankle	(FE) Feet	(IN) Internal
(AR) Arm	(FI) Fingers	(KN) Knees
(BK) Back	(GE) Genitals	(LE) Leg
(BT) Buttocks	(GR) Groin	(NK) Neck
(CH) Chest	(HD) Hands	(NO) Nose
(EL) Elbow	(HE) Head	(SH) Shoulder
		(WR) Wrist

FORCE APPLIED

(Only One Code Per Block)

[illegible]

Supervisor's Report on Use of Force INVOLVED EMPLOYEE INFORMATION

URN: 005-01047-5640-058

Page 3 of 5

Involved Employee

E1	Employee #	Last Name	First Name	Middle Name
		OSTEEN	THOMAS	
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		WHITE	CUSTODY DIVISION / NCCF	715 MODULE
Shift:		<input checked="" type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input checked="" type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		604
				Weight: 180
Medical Exam/Treatment <input checked="" type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case #	Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>
E2	Employee #	Last Name	First Name	Middle Name
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		WHITE	CUSTODY DIVISION / NCCF	700 B-1
Shift:		<input checked="" type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input checked="" type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		510
				Weight: 180
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case#	Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>
E3	Employee #	Last Name	First Name	Middle Name
		GILL	DENNIS	P.
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		WHITE	CUSTODY DIVISION / NCCF	700 B-1
Shift:		<input checked="" type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input checked="" type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		601
				Weight: 215
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case#	Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>
E4	Employee #	Last Name	First Name	Middle Name
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input type="checkbox"/> Male <input checked="" type="checkbox"/> Female			CUSTODY DIVISION / NCCF	
Shift:		<input checked="" type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input checked="" type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		
				Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case#	Directed Force <input type="checkbox"/> Significant Force <input checked="" type="checkbox"/>
E	Employee #	Last Name	First Name	Middle Name
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input type="checkbox"/> Male <input type="checkbox"/> Female				
Shift:		<input type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		
				Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case#	Directed Force <input type="checkbox"/> Significant Force <input type="checkbox"/>
E	Employee #	Last Name	First Name	Middle Name
Sex:		Race:	Unit of Assignment:	Work Assignment (Unit #, Module, etc.):
<input type="checkbox"/> Male <input type="checkbox"/> Female				
Shift:		<input type="checkbox"/> Regular Shift	Age:	Height:
<input type="checkbox"/> EM <input type="checkbox"/> Day <input type="checkbox"/> PM		<input type="checkbox"/> OT Shift <input type="checkbox"/> Off Duty		
				Weight:
Medical Exam/Treatment <input type="checkbox"/> If Admitted, Name of Hospital:			Coroner Case#	Directed Force <input type="checkbox"/> Significant Force <input type="checkbox"/>

Supervisor's Report on Use of Force SUSPECT INFORMATION

URN: 005-01047-5640-058

Page 4 of 5

Suspect Information										
S1	Last Name		LOPEZ		First Name		JORGE		Middle Name NMN	
	AKA Last Name				First Name		"GORDO"		Middle Name	
	Sex:		Race:		Street Address:		City:		State & Zip Code:	
	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female		H							
	Work Phone:		Home Phone:		Age:		Height:		D.O.B.	
	NONE		NONE		21		506		02/07/1984	
	Weight:		Armed?							
	170		<input type="checkbox"/>							
Booking #: 8580608 Primary Charge: 243(C)(2) P.C. Secondary Charge: Criminal History										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: LCMC Coroner Case#: Mental History <input type="checkbox"/>										
Under Influence: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Substance: Photos of Suspect's Injuries <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO										
Suspect Interview										
Date: 08/03/2005 & 08/04/2005 Time: 1332 HRS Audiotape: <input checked="" type="checkbox"/> Videotape: <input checked="" type="checkbox"/>										
Suspect Information										
S	Last Name				First Name				Middle Name	
	AKA Last Name				First Name				Middle Name	
	Sex:		Race:		Street Address:		City:		State & Zip Code:	
	<input type="checkbox"/> Male <input type="checkbox"/> Female									
	Work Phone:		Home Phone:		Age:		Height:		D.O.B.	
	Weight:		Armed?							
			<input type="checkbox"/>							
Booking #: Primary Charge: Secondary Charge: Criminal History <input type="checkbox"/>										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: Coroner Case#: Mental History <input type="checkbox"/>										
Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO										
Suspect Interview										
Date: Time: Audiotape: <input type="checkbox"/> Videotape: <input type="checkbox"/>										
Suspect Information										
S	Last Name				First Name				Middle Name	
	AKA Last Name				First Name				Middle Name	
	Sex:		Race:		Street Address:		City:		State & Zip Code:	
	<input type="checkbox"/> Male <input type="checkbox"/> Female									
	Work Phone:		Home Phone:		Age:		Height:		D.O.B.	
	Weight:		Armed?							
			<input type="checkbox"/>							
Booking #: Primary Charge: Secondary Charge: Criminal History <input type="checkbox"/>										
Hospital Admission? <input type="checkbox"/> Rec'd Treatment At: Coroner Case#: Mental History <input type="checkbox"/>										
Under Influence: <input type="checkbox"/> YES <input type="checkbox"/> NO Substance: Photos of Suspect's Injuries <input type="checkbox"/> YES <input type="checkbox"/> NO										
Suspect Interview										
Date: Time: Audiotape: <input type="checkbox"/> Videotape: <input type="checkbox"/>										

URN: 005-01047-5640-058

Non-Employee Witnesses (Continuation)[illegible]

**INVESTIGATIVE SUMMARY
USE OF FORCE: SIGNIFICANT
IMPACT WEAPON / FRACTURED ARM
IAB CASE NUMBER FO2152091
005-01047-5640-058**

On Wednesday, August 3, 2005, Sergeants Marshall W. Baird and Rick Smith of Internal Affairs Bureau responded to the North County Correctional Facility regarding a significant use of force, fractured arm. Internal Affairs Bureau Lieutenant Ben Seno also responded.

Deputies were in the process of escorting inmates out of dorm 711 to the day room, to conduct a routine search for weapons and/or contraband. As the inmates were filing out of the dorm, one inmate (Lopez) challenged the deputy's authority. The deputy attempted to handcuff the inmate, but he pulled away and swung his elbow and fists at the deputy. The inmate was pushed to the floor but that did not stop him from violently kicking and elbowing at the deputies. One of the deputy's pulled the suspect's arm behind him to handcuff him and while doing so heard a popping noise. The Office of Independent Review was notified, but did not respond.

The summary of this incident is based on information obtained from reports and other documents regarding NCCF file number 005-01047-5640-058, and inmate/suspect interview (Refer to Exhibit A).

INVOLVED PERSONNEL

OSTEEN, Thomas, Deputy # [REDACTED]
Custody Division
North County Correctional Facility

[REDACTED], [REDACTED], Bonus 1 Deputy, # [REDACTED]
Custody Division
North County Correctional Facility

GILL, Dennis, Bonus 1 Deputy, # [REDACTED]
Custody Division
North County Correctional Facility

[REDACTED], [REDACTED], Deputy, # [REDACTED]
Custody Division
North County Correctional Facility

Work History

OSTEEN, Thomas

Date of Employment 06-18-1999

Date Assigned to Custody [REDACTED]

Date Completed Custody Training [REDACTED]

Prior Founded Force incidents [REDACTED]

[REDACTED], [REDACTED]

Date of Employment 04-02-1991

Date Assigned to Custody [REDACTED]

Date Completed Custody Training [REDACTED]

Prior Founded Force incidents [REDACTED]

GILL, Dennis

Date of Employment 07-20-2000

Date Assigned to Custody [REDACTED]

Date Completed Custody Training [REDACTED]

Prior Founded Force incidents [REDACTED]

[REDACTED], [REDACTED]

Date of Employment [REDACTED]

Date Assigned to Custody [REDACTED]

Date Completed Custody Training [REDACTED]

Prior Founded Force incidents [REDACTED]

SUSPECT/INMATE

LOPEZ, Jorge MH/21, Booking #8580608

Inmate Jorge Lopez has a [REDACTED] A check of the CCHRS (Consolidated Criminal History Reporting System) revealed that Lopez

(CII# [REDACTED])

[REDACTED] Please refer to Lopez' CCHRS printout attached in Exhibit A for additional details.

WITNESSES

DEPUTY WITNESS

MALONEY, Sean, Deputy #482269

Deputy Maloney was inside of dorm 711 assisting with a routine dorm search when he heard scuffling outside of dorm 711. When he exited the dorm, he saw Deputy Gill holding onto Lopez' left arm and Deputy [REDACTED] holding onto the right arm. Maloney said he grabbed his handcuffs and handcuffed Lopez without further incident.

Deputy Maloney said he did not use any force during the handcuffing procedure.

INMATE WITNESSES

[REDACTED] MW [REDACTED] Bk # [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] MB [REDACTED] Bk # [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] MH [REDACTED] Bk # [REDACTED]
[REDACTED]
No phone

[REDACTED] MO [REDACTED] Bk # [REDACTED]
[REDACTED]
[REDACTED]

INJURIES

LOPEZ, Jorge

- left upper arm, fracture
- (2) bruises and swelling on the back of his head
- (1) bruise on left eyebrow
- (1) small cut on his nose
- swollen lower lip, scrapes and bruises on his back and shoulder

OSTEEN, Thomas

-fracture to a knuckle on his right

██████████, ██████████

-scratch right side of neck
-soreness to neck and chin

██████████, ██████████

-scratch right cheek

Dr. Lafayette treated Inmate Jorge Lopez at LCMC for his injuries. Dr. LaFayette said that the injuries Lopez sustained were consistent with the force reported by the deputies.

PHYSICAL EVIDENCE

No physical evidence was collected at the scene and the Crime Lab did not respond.

INVESTIGATORS OBSERVATIONS

While interviewing Lopez we observed the injuries as previously described. The injuries to deputies and Inmate Lopez were photographed. Refer to Exhibit C and D.

WEAPONS USED BY PERSONNEL

Deputy Osteen, Thomas

Utilized control holds and sprayed the suspect with Freeze +P spray.

Deputy ██████████

Utilized control holds, personal weapons (push to Lopez' chest) and his flashlight (two strikes to the elbow).

Deputy Gill, Dennis

Utilized control holds, Freeze +P and struck Lopez numerous times with his flashlight.

Deputy ██████████

Utilized control holds and struck Lopez numerous times with her flashlight.

WEAPONS USED BY INMATE/SUSPECT

Inmate/Suspect Jorge Lopez used his hands and feet to assault the deputies.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATOR/CHARGES FILED

No charges were filed against Lopez.

LIGHTING AND WEATHER CONDITIONS

Indoor facility with overhead florescent lighting.

INVOLVED EMPLOYEES' STATEMENTS

OSTEEN, Thomas, Deputy

Deputy Osteen was working as the 715 staff deputy when he responded to a fight outside of the 700 sergeant's office. When he arrived, he saw that Deputy [REDACTED] and Deputy [REDACTED] were attempting to handcuff Inmate Jorge Lopez (Suspect).

Osteen said that Lopez was in a crouched position, like that of a boxer, facing Deputy [REDACTED] swinging his fists and kicking. He said the deputies then managed to push Lopez to the ground, just outside the ramp on the first floor (*Refer to diagram of building 700, level one, Exhibit B*).

Osteen said even though the inmate was pushed to the floor, he did not stop from violently kicking at and elbowing the deputies. He said that Lopez was given orders several times to stop fighting, but refused. Seeing this Osteen moved in and attempted to place his left knee on Lopez's back to force his shoulders to the ground; however, Lopez continued to thrash about from side to side, which caused Osteen to lose his balance and strike the concrete floor with his right hand.

Osteen, with his full body weight now on the back of Lopez, deployed a three second burst of "Freeze + P" spray into his face. This had little or no affect and Lopez continued to struggle. Osteen then grabbed Lopez's left arm and forced his arm behind his back, and while doing so, Osteen said he heard a "snap" in the area of Lopez's left arm.

Osteen said Lopez continued to struggle and "violently" swing his right elbow backwards, striking him several times on the right hand and right leg. With the assistance of Deputies [REDACTED] Gill and Maloney, they were able to gain control and handcuff Lopez without any additional force.

Osteen said he immediately reported the use of force to Sergeant Rascon.

██████████, ██████████ Deputy

Deputy ██████████ was working the bonus one position in building 700, assisting in a search of Dorm 711. While moving inmates in a single file line to the 710 day room, he heard Lopez say in a loud voice, "This is bullshit." ██████████ then instructed Lopez to "calm down" and keep walking. Lopez refused to comply and attempted to incite the other inmates by saying, "What a joke ay (sic), why are we doing this." In an effort to stop Lopez from instigating hostility inside of the day room, ██████████ directed Senior Deputy Gill to have Lopez wait outside the day room.

██████████ said he then approached Lopez and had him place his hands behind his back. He then took hold of his hands with his left hand while reaching for his handcuffs with the right hand. As ██████████ unsnapped his handcuff case, Lopez pulled his right hand free and swung to the right, followed by his right arm. ██████████ said he took hold of Lopez's left wrist and pulled it towards him in an effort to gain control. Lopez continued to swing around and at some point the two ended up face to face. Lopez then struck ██████████ with his right fist in the neck and chin area. In an effort to create some distance between he and Lopez, ██████████ shoved Lopez in the upper body with both hands. As Lopez stumbled backwards, he raised both hands to his chest and clinched them into fists. When Lopez regained his balance, ██████████ said that Lopez then began moving toward him.

██████████ said that as Lopez moved toward him, Senior Deputy Gill moved in and kicked Lopez's right thigh enough to throw him off balance. ██████████ was then able to wrap both arms around Lopez and pulled him to the floor. When Lopez hit the floor, ██████████ said he heard a sound which he believed was his head hitting the floor. Lopez immediately began struggling and twisting his body in an obvious attempt to break free.

██████████ said even though he was lying on top of him, Lopez was able to roll over onto his stomach, and by using his arms, he pushed his upper body to an upright position. With the assistance of Deputies Gill and ██████████ they were able to push Lopez's body back down on the floor. ██████████ said he yelled several times, "Stop fighting." He said Lopez would not comply. He said Deputy Osteen then sprayed Lopez with his "Freeze + P," but this had little or no effect on Lopez. Osteen then moved forward and pushed Lopez onto his stomach. ██████████ said he yelled out to Lopez, "Just stay down and put your hands behind your back." In response, Lopez raised his right arm and struck Osteen on his right leg with his elbow.

██████████ said this action exposed a primary striking action, so he hit Lopez' right elbow several times with his flashlight. He then thrust his flashlight into the right side of his back several times. This action caused Lopez to cease struggling and allowed the deputies to handcuff without further incident.

██████████ said as a result of being struck by Lopez, the right side of his neck and chin were sore and he had a scratch on the right side of his neck.

██████ notified Sgt. Rascon regarding the use of force.

██████, ██████, Deputy

Deputy ██████ was working as 700 Prowl 2, when she responded to assist 700 personnel escort inmates out of Dorm 711 to conduct a "routine dorm search for contraband and/or weapons. When she arrived at the 700 staff station, she saw Lopez facing the glass wall of the 710 day room with his hands behind his back. ██████ said she joined Senior Deputy ██████, who was standing behind Lopez.

██████ said ██████ then placed his left hand on Lopez' hands and with his right hand, he reached around to his back to retrieve his handcuffs. As he did this, Lopez "suddenly turned his body completely toward his left side and with his right fist, punched Senior ██████ in the face and neck area." She said that ██████ "who looked stunned and hurt by Lopez' sudden violent actions," pushed Lopez on the upper chest with both hands, to avoid further attack and "to gain a position of advantage." ██████ said that when Lopez regained his balance, he took up a boxing stance with both fists clinched. She said Lopez then yelled out, "Keep your fucking hands off me!"

██████ said that Senior Deputy Gill, who was standing nearby, ran to the right side of Lopez and kicked him in the area of his lower leg. Simultaneous with this, ██████ moved forward and wrapped his arms around Lopez, causing both of them to fall to the ground.

██████ said Lopez immediately sat upright from a sitting position and began punching at ██████. Seeing this, ██████ ran over to assist and while doing so, was struck by Lopez on the left side of her face (refer to photograph, Exhibit C).

██████ said that after she was struck, Deputy Osteen joined in and placed his knee on Lopez' back, forcing him to the floor. Since Lopez continued to kick and thrash about from side to side, ██████ pulled her flashlight out of its holder and struck Lopez "numerous times," on both of his lower legs. After a brief struggle, ██████ said Lopez was handcuffed without further incident.

Deputy ██████ said she immediately notified Sgt. Rascon regarding the use of force.

Deputy ██████ sustained a scratch on the left cheek as a result of being struck by Lopez.

GILL, Dennis, Deputy

Deputy Gill said he was working as a prowler in 700, providing visual security of the inmates in Dorm 711 from the 710 staff station, while the entire dorm was being escorted into the 720 day room for a "routine dorm search."

Gill said that midway through the movement, Suspect Lopez exited the dorm laughing

and talking. Seeing this, Gill ordered Lopez to step out of line and face the glass wall next to the day room so he would not further disrupt the movement.

Gill said [REDACTED] then came out of dorm 711 and made contact with Lopez. Gill said he "turned momentarily" to visually check the other inmates and when he turned back, Lopez was now facing [REDACTED] with both fists up and his feet squared off in a "boxing stance." As Lopez moved forward toward [REDACTED], Gill moved in and kicked Lopez in the right thigh area, just enough to throw him off balance.

Gill said that [REDACTED] then moved in and wrapped both arms around Lopez and forced him to the floor. When Lopez hit the floor, Gill said he heard a "thud," which he believed was Lopez' head hitting the concrete floor. He said that once Lopez was on the floor, he gave "numerous verbal orders," for him to stop fighting, but instead, Lopez attempted to push up off the ground and roll over on his side. Gill said that while Lopez was on the ground, he began kicking and throwing punches violently at all the deputies.

Gill said that when Deputy Osteen arrived, he (Gill) sprayed Lopez in the left side of face with a burst of Freeze Plus P spray, but this had little or no effect. Since Lopez continued to struggle and assault the deputies, Gill used his flashlight as a "weapon of necessity" and struck Lopez "numerous times" on his left elbow. After the strikes, Lopez began to comply and Gill, along with the assistance of the other deputies, were able to gain control and handcuff Lopez.

Gill also said that at the time of the incident, "there was a lot of struggling with Lopez to handcuff him." He said flashlights had to be used as a weapon of necessity and was unaware of any other actions taken by [REDACTED], [REDACTED] or Osteen.

Gill said he advised Sergeant Rascon regarding the use of force as soon as the situation was resolved.

WITNESSES STATEMENTS

[REDACTED]

Inmate [REDACTED] said he was walking down the ramp to the 710 staff station when he heard what he described as an "altercation." When he got to the bottom of the ramp, he saw Lopez and a deputy "scuffling" on the floor. He also said he heard the deputy say "stop resisting, put your hands behind your back." [REDACTED] said it did not appear that Lopez was cooperating and believed he was resisting the efforts of the deputies to control the situation. [REDACTED] said he did not see anything else.

[REDACTED]

Inmate [REDACTED] said he was serving food to the day trustees when he heard

Lopez began to talk loud. He then saw Lopez make a "sudden move," and strike Deputy [REDACTED] in the face. [REDACTED] said he did not see anything else.

[REDACTED]

Inmate [REDACTED] said he saw the "Senior Deputy" walk Lopez out of the dorm. He said he heard the deputy tell Lopez not to talk. [REDACTED] said that Lopez then pulled away from the deputy and took a swing at him. He saw the other Senior Deputy grab Lopez and take him to the ground. He did not see anything else.

[REDACTED]

Inmate [REDACTED] said he standing near the 710 staff station cleaning, when he heard a "commotion." He said that out of the corner of his eyes, he saw Lopez push one of the deputies, but wasn't sure which one it was. He claims he did not see anything else.

INMATE/SUSPECT STATEMENTS

LOPEZ, Jorge, BK #8580608

Lopez initially said that he had an accident. He then admitted that he had been involved in a fight with the deputies, but did not take a swing at them. Lopez said the incident began when one of the deputies grabbed his arm. He said after the deputy grabbed him, he pulled away.

Lopez said that after the deputies forced him to the floor, he was hit on his elbow with a flashlight. He said he never resisted.

Lopez said he was subsequently transported to L.C.M.C., where he was told that his arm was broken.

MISCELLANEOUS SECTION

None.